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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,284	10/10/2001	Masae Yoyasu	SHX 326	9862

7590

03/27/2003

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EXAMINER

THISSELL, JENNIFER I

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,284

Applicant(s)

YOYASU, MASAE

Examiner

Jennifer I Thissell

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 14 are considered indefinite because it is unclear whether applicant intends to claim a combination or subcombination. In claim 1, applicant initially claims a molding, without claiming the car body, the car body only in functional language. However, applicant then claims (line 12) the fastener in combination with the car body. The Examiner is considering the claim to be a combination with the car body. However, applicant should clarify/amend which is to be considered in the claim, and ensure that all claims that depend from it are consistent.

In claim 14, applicant initially claims a fastener, with the fastener holder and the car body in the functional language only. Applicant then later claims the fastener in combination with the fastener holder and the car body. The Examiner is considering the claim to be a subcombination claim, in which only the fastener is claimed. Applicant must amend the language in the claim to be consistent throughout the entire claim, as well as in the dependant claims.

Claims 1, 6, and 18-21 are also indefinite because they recite the limitation "the protruding portions". There is insufficient antecedent basis for this limitation in the claims.

Claim 14 is also indefinite because it recites the limitation "base portion". There is insufficient antecedent basis for this limitation in the claim. Applicant initially refers to a "base plate", so it is unclear whether the "base portion" is the same element or whether it is something different.

In claims 1, 4, 6, and 18-21 it is generally unclear as to the difference, if any, in the "protrusions" that are recited. If applicant is attempting to claim two different types of protrusions (one that is in contact with the base plate and one that projects out from the elastic pieces), it is suggested that they refer to them with different names.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 6, 8, 14-16, and 18-21 are rejected, as understood, under 35 U.S.C. 102(b) as being anticipated by Maki et al. ('522). Maki teaches a base plate 152, an engaging portion 154 that projects upright from the base

plate, a pair of extending elastic pieces 156 whose ends are free, and there are protruding portions (outer portions) formed to the elastic pieces.

There is a molding main body 10 which has an outer and inner (reverse) face, a fastener holder 36 on the inner face, the fastener holder has two lateral walls 142 projecting up from the inner face, there is an opening on one side of the fastener holder (Figure 14), there is a fastener mounting seat 144, 146 that connects the lateral walls, the fasteners engaging portion engages in a mounting hole (Figure 15) in the car body, there is an insertion groove (between 146) formed in the mounting seat, the end of the engaging portion is inserted into the groove, and there are engage-and-stop portions 148 formed in the lateral walls that are adjacent to the opening. There are protrusions that are ridges (between 158 and 159) that are provided on opposite sides of the base plate and extend along the direction of insertion of the base plate into the housing space. There are engaging workpieces (tips of the elastic pieces) formed at the free ends of the elastic pieces.

It should be noted that the limitations that further describe the fastener holder in claims 15 and 16 are not given patentable weight, because it has been determined by the Examiner (see 112 2nd paragraph above) that claim 14 is drawn to the fastener only.

Claims 14 and 17 are rejected, as understood, under 35 U.S.C. 102(e) as being anticipated by Hingorani et al. ('109). Hingorani teaches a base plate 66,

an engaging portion/trunk 70 that projects upright from the base plate, a pair of extending elastic pieces 74 whose ends are free, and there are protruding portions (tips of 74) formed to the elastic pieces. The engaging portion is provided with engaging claws (bottommost extending elements under 66 in Figure 3) that are formed at the end of the trunk, and there is a cover (planar element between 66 and 70 in Figure 3) which projects out over the area around the trunk in between the engaging claws and the end of the trunk.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maki et al. ('522) in view of Smith et al. ('084). Maki teaches a system as stated above, but the engage-and-stop portions are not engaging holes in the lateral walls that are cut into the mounting seat. Smith shows a fastener clip type element 50 that is held in a fastener mount type element 20, having holes 35 in the lateral walls that extend up into the mounting seat (Figure 1). These holes serve to "engage and hold" or lock in place the fastener type element. Accordingly, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to place engaging holes that extend up into a fastening seat. Smith shows that providing holes to lock elements in that way is known in the art.

Possible Allowable Subject Matter

The subject matter of Claims 7 and 9-13 appears to be drawn to allowable subject matter. Final determination will be made after the claim is amended to overcome all objections and rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I Thissell whose telephone number is (703) 306-5750. The examiner can normally be reached Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (703) 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


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JFT

March 18, 2003


Carl D. Friedman
Supervisory Patent Examiner
Group 3600